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ABSTRACT

The pamphlet explains the Indian Education Act of 1972 as a congressional declaration of policy in recognition of the special educational needs of Indian students in the United States and answers questions concerned with the functions and results of the declaration. The topic "Who is served?" identifies the American Indian and Alaska Native. Background on the act and its intended functions provides information on compensatory education, library resources, financial aids, and other special programs for Indians and explains the funding for Indian educational programs and projects. A question on the functions of the Office of Indian Education discusses the administrative responsibilities of the organization and its divisions. Lists of accomplishments of the act focus on impacts of the legislation, and descriptions of funded programs discuss some of the grants which have been provided. Two tables show numbers of grants awarded under the act up to 1980, and the funding history from fiscal year 1973 to fiscal year 1980. (JD)

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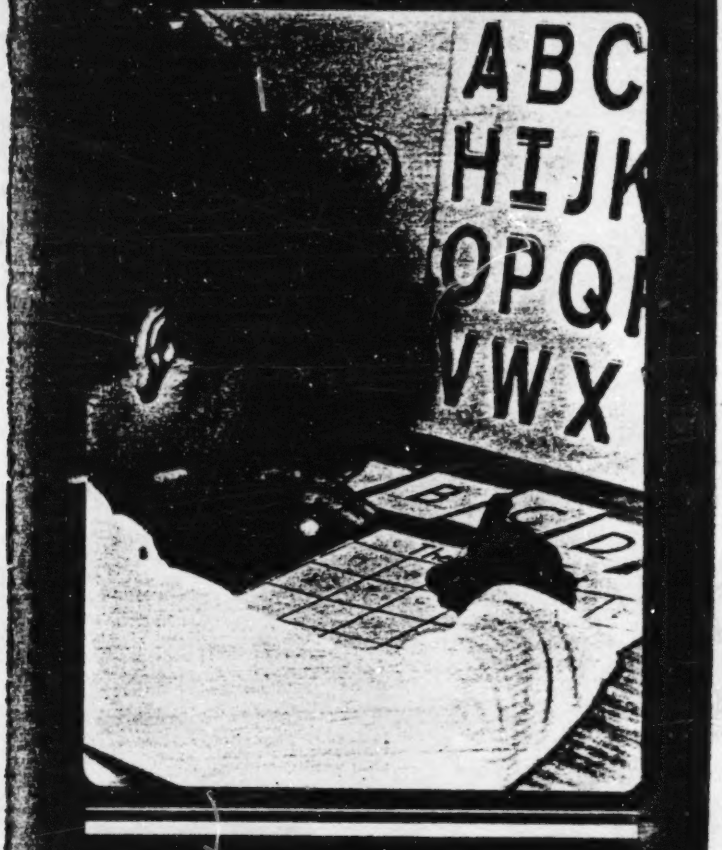
Answers to Your Questions



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THE INDIAN EDUCATION ACT OF 1972

Answers to Your Questions

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What is the Indian Education Act of 1972?

It is a congressional declaration of policy in recognition of the special educational needs of Indian students in the United States.

On June 23, 1972, the Indian Education Act was signed into law as Title IV of Public Law 92-318, Education Amendments of 1972, thus creating new educational opportunities for Indian children and adults. The Act was amended by the Education Amendments of 1974 and 1978.

The Act provides financial assistance to local education agencies (LEAs), Indian-controlled schools, Indian tribes, Indian organizations, institutions of higher education, federally supported schools for Indian children, and State education agencies to meet the special educational needs of Indian children and adults. The Office of Indian Education is responsible for administering the Act.

Programs funded under the Act range from early childhood to adult education and include elementary, secondary, and higher education projects. Program grants vary significantly from less than a thousand dollars to several hundred thousand dollars. This variance reflects the diverse needs of Indian tribes and communities served by the Indian Education Act.

Who is served?

The population served is the American Indian and Alaska Native, defined in the Act as follows:

> For the purposes of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner [of Education], after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian."

Authority to promulgate regulations, vested in the Commissioner of Education under the Act, was transferred to the Secretary of Education when the Office of Education was abolished and the Department of Education became operational on May 4, 1980.

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Why did the Act come about?

The Indian Education Act came about as the result of a study initiated in 1967 by the Special Senate Subcommittee on Indian Education. Recommendations from the 1969 Subcommittee report, *Indian Education: A National Tragedy—A National Challenge*, resulted in the introduction of the Act (S.659) on February 25, 1971, and it became law on June 23, 1972.

American Indian and Alaska Native children benefited under a number of Federal education programs prior to passage of the Indian Education Act. In fact, they still do. For example, the Elementary and Secondary Education Act of 1965 provides compensatory education, library resources, and many other services. Indian children are eligible for special programs for handicapped and gifted pupils. Indian youth are encouraged to take advantage of several college financial aid programs. And many adults qualify for basic education and skill training under the Vocational Education Act.

However, members of Congress felt more specific legislation was needed to focus on the special educational needs of Indian students and to provide for increased Indian participation in federally funded education programs for Indians. Thus, the Indian Education Act is designed to give schools and tribes maximum latitude in assessing their own needs and developing appropriate teaching materials and approaches.

What does the Act do?

Part A of the Act provides grants to LEAs and tribal schools on an entitlement basis, according to the number of Indian children enrolled, multiplied by the State average per pupil expenditure. Schools use the grants for such activities as developing curriculums dealing with tribal culture, history, and heritage; making available teacher aides and home-school coordinators from Indian communities; hiring tutors for pupils needing remedial instruction; and sponsoring such special activities as field trips.

Ten percent of Part A funds is reserved for Indian-controlled schools (non-LEAs). From this reserve, discretionary grants are awarded on a competitive basis to eligible schools. Indian-controlled schools are defined as Indian schools on or near a reservation which are not local education agencies or have not been LEAs for more than three years.

In addition, a sum no greater than 10 percent of the funds appropriated for Part A is authorized to make grants to LEAs to conduct demonstration projects.

The Education Amendments of 1978 (Public Law 95-561) amended Part A to (1) address "culturally related academic needs" of Indian children; (2) make qualifying tribally operated schools eligible for entitlement payments; (3) require an annual audit of one-third of the school districts receiving Part A funds; (4) provide a set-aside under Part A for competitive demonstration grants to public school districts; (5) make clear that persons serving in the place of the natural parent (*in loco parentis*) are eligible to serve on parent committees; (6) give parent committees input into hiring decisions and require parent committees to establish and adhere to by-laws.

Part B of the Indian Education Act authorizes grants to support planning, pilot, and demonstration projects; educational services not otherwise available in sufficient quantity or quality; training programs for persons serving Indian people as educational personnel; and fellowships for Indian students. These discretionary grants are made on the basis of national competition to Indian tribes, organizations, and institutions, State and local education agencies, federally supported elementary and secondary schools for Indian children, and individuals (under the Indian Fellowship Program).

The Education Amendments of 1974 (P.L. 93-380) added two sections to Part B: One provides authority to make grants for special educational programs for teachers of Indian children; the other provides authority to award fellowships for Indian students in graduate and professional programs leading toward a professional or graduate degree in engineering, medicine, law, business, forestry, and related fields.

The Education Amendments of 1978 (P.L. 95-561) amended Part B to (1) broaden the scope of pilot and demonstration projects to include programs for gifted and talented students; (2) expand existing teacher training programs to allow training of educators of Indian people (including adults), rather than just Indian children; (3) authorize the establishment of regional information centers; and (4) expand the fields for which fellowships may be made available to include fields of study leading toward post-baccalaureate degrees in medicine, law, education, and related fields; and toward undergraduate or graduate degrees in engineering, business administration, natural resources, and related fields.

Part C supports educational service programs; planning, pilot, and demonstration projects; education research and development projects; education surveys; and dissemination and evaluation projects for adult Indians. These discretionary grants are made on the basis of

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national competition, to Indian tribes, institutions, and organizations, and to State and local education agencies.

Part D of the 1972 Act provided for the establishment of a Bureau-level Office of Indian Education (OIE) within the U.S. Office of Education, to be headed by a Deputy Commissioner of Indian Education. It further provided for the establishment of a National Advisory Council on Indian Education comprising 15 members who are Indians or Alaska Natives and who are charged with advisory and evaluatory responsibilities relative to governmental programs affecting Indian education.

What are the functions of the Office of Indian Education?

The Office of Indian Education administers Parts A, B, and C of the Indian Education Act, as described above.

When the Department of Education was established on May 4, 1980, the Office of Indian Education was placed under the direction of the Assistant Secretary for Elementary and Secondary Education. OIE is now headed by the Deputy Assistant Secretary for Indian Education.

The Deputy Assistant Secretary is responsible for the overall policy direction and coordination of programs and activities conducted under the Indian Education Act. In addition, he serves as the Assistant Secretary's key policy advisor on the educational needs of Indian children and adults.

OIE's Division of Local Educational Agency Assistance is responsible for administering the entitlement grants program under Part A of the Indian Education Act.

The Division of Special Projects and Programs administers the discretionary grants programs under Parts B and C of the Act, as well as the discretionary grants to Indian-controlled schools and the Indian Fellowship Program.

What has the Act accomplished?

This legislation has had a major impact on Indian education. Most notably:

1. A positive communication link has been established between the schools serving Indian children and the parents of these children.
2. An awareness has been stimulated in school districts and State Departments of Education that the Indian students they serve have special educational problems that require special attention.
3. A large number of nonprofessional school-related jobs have been created for Indians in local communities. These jobs have stimulated the local economy but also created a need for professional training of Indians so that they can qualify as teachers, principals, guidance counselors, and other school professionals.
4. The attitude of Indians toward schools has improved, as shown by decreased dropout rates, improvement in attendance rates, and positive attitudinal changes by both school system personnel and the Indian community.
5. More and more Indian communities have taken control of the schools serving their children, or have chosen to establish their own alternative schools or programs. The success of these schools is a clear indication that Indian communities can manage their own educational affairs if given the opportunity and resources.
6. The academic performance of students attending Indian-controlled schools is beginning to improve substantially.
7. Parental interest in the educational process has been strengthened.
8. The on-the-job training effort is one of the greatest ever implemented in the Indian community, through parent committee and school district interaction, and the administration of Indian projects and programs by Indians.
9. An increased number of Indians are now qualified to hold professional positions in education and other fields.

These changes are giving Indian communities the capacity to significantly improve the education of their children.

Under Part A Indian children are benefiting from such services as remedial instruction in basic skills, instruction in tribal heritage, Indian history, and political organization, as well as accelerated programs in traditional Indian art, crafts, and music, and Native language arts. Home-school liaison services also have been accelerated.

A special focus under Part A is the improvement of program administration through allowing multi-year awards for entitlement grants; specifying, in detail, the rights and responsibilities of the local education agency and the parent committee with respect to project adminis-

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tration and parent committee operations; providing specific steps to be taken by LEAs in performing needs assessments; and providing improved criteria for local project evaluations. Each of these areas is covered in detail in the Indian Education Act regulations.

Main areas of focus under Part B are (1) demonstration projects that develop and test culturally related approaches designed to increase academic achievement in Indian children and demonstrate their effectiveness in local sites; (2) educational service projects in such areas as early childhood education, special education, tutoring and counseling, curriculum development, and support of alternative schools; and (3) educational personnel training in campus-based and field-based programs.

A special focus, authorized under Part B, is the establishment of a system of regional Resource and Evaluation Centers to assist grantees in areas of project evaluation, improvement of project management, and program design. The centers will also identify, evaluate, and validate exemplary educational approaches and will disseminate information on these approaches to other grantees.

A main area of focus under Part C is the provision of educational techniques effective in helping adults become literate and pass high school equivalency tests. These techniques use Indian culture as a foundation for learning. Other important areas are consumer education and special services needed by adult students, such as academic and career counseling, aptitude and vocational counseling, and job referral.

What programs have been funded?

Part A funds first reached schools in academic year 1973–1974. Six full years of implementation have seen considerable growth in funding and in outreach to the American Indian and Alaska Native communities. The number of public school districts participating has increased from 435 in fiscal year 1973 to 1,148 in fiscal year 1979. The percentage of Indian children served by Part A grants has grown from 59 percent in 1973 to more than 80 percent in 1979. In school year 1979–80, the Part A entitlement program reached more than 335,000 Indian children, an increase of 200,000 since the program started. With the growth in appropriations, both the number of children served and the average contribution per child have increased. In 1973 the Federal contribution averaged $81 per child; in school year 1980–81 it will be $134.

Under the Part A discretionary grant program for Indian-controlled schools 10 schools located on or near reservations were funded in fiscal year 1973. The number increased to 28 schools in fiscal year 1979. The 1973 awards to Indian-controlled schools totaled $537,618 compared to $4.7 million in 1979.

The Office of Indian Education awarded 51 grants in fiscal year 1973 under Part B of the Indian Education Act for a total of $5 million. In fiscal year 1979, the number of grants awarded increased to 82 for a total of $14 million. The level of Part B funding for fiscal year 1980 has increased to $15.6 million.

Some of the grants were made for the following purposes:

1. Cook Inlet Native Association, Anchorage, Alaska, for an Early Childhood Program.
2. Bay Mills Indian Community Executive Council, Brimley, Michigan, for a Comprehensive Education Program.
3. Montana United Scholarship Service, Great Falls, Montana, for a Teacher Training Project.
4. San Juan Pueblo Tribe, San Juan, New Mexico, for a Bilingual/Bicultural Program.

Under Part C of the Indian Education Act, 10 grants were awarded in fiscal year 1973 for a total of $500,000. In fiscal year 1979, 60 awards were made totaling $5.9 million. For fiscal year 1980, the amount available for Part C grants is $5,830,000. The grants directed to education for adult Indians included:

1. Ft. Belknap Community Council, Harlem, Montana, for a comprehensive adult education program, including training in consumer education, culture and language, farming and ranch management, and basic skills, as well as counseling and tutoring.
2. Heart of the Earth Survival School, Minneapolis, Minnesota, to offer courses in Indian law and survival law, as well as basic skills training.
3. United Indians of All Tribes Foundation, Seattle, Washington, to disseminate information on educational opportunities for adult Indians and operate adult basic education programs.

Table I (page 8) shows the numbers of grants awarded by program from fiscal year 1973 to fiscal year 1980. Table II (page 9) shows the funding history from fiscal year 1973 to fiscal year 1980.

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TABLE I

Number of Awards by Program
Indian Education—FY 1973–1980

Program	1973	1974	1975	1976	1977	1978	1979	198 Estima
Part A (LEA's)	435	854	845	1,089	1,028	1,101	1,148	1,14
Part A (Indian-Controlled Schools)	10	23	25	26	24	24	28	3
Part B	51	136	148	132	84	74	82	7
Part C	10	42	53	61	53	44	60	5

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TABLE II

Funding History by Program
Indian Education—FY 1973–1980

	1973 Actual	1974 Actual	1975 Actual	1976 Actual	1977 Actual	1978 Actual	1979 Actual	1980 Appropria
Part A (LEAs)	$10,952,376	$23,809,524	$22,727,273	$31,818,182	$33.631,921	$35,256,540	$43,635,768	$47,272,7
Part A (Indian-Controlled Schools)	547,618	1,190,476	2,272,727	3,181,818	3,330,225	3,530,063	4,363,636	4,727,2
Part B	5,000,000	12,000,000	12,000,000	16,000,000	14,063,000	14,346,276	15,432,554	15,600,0
Part C	500,000	3,000,000	3,000,000	4,000,000	4,183,000	4,405,065	5,930,000	5,830,0
Program Administration	-	1,264,700	2,034,000	2,055,000	1,887,000	2,072,000	2,268,923	2,559,0
Totals	$16,999,994	$41,264,700	$42,034,000	$57,055,000	$57,095,146	$59,609,944	$71,630,881	$75,989,0

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How is application for funding made?

Prior to awards each year, applications properly submitted by the deadline are reviewed in accordance with the evaluation criteria contained in the Indian Education Act regulations, as published in the *Federal Register.*

Local education agencies, tribal schools, Indian tribes, organizations, and institutions desiring to establish programs under the Indian Education Act are advised to follow these steps:

1. Obtain a copy of the Indian Education Act (Public Law 92-318, Title IV, June 23, 1972) and the Indian Education Act Regulations—*Federal Register,* Vol. 45, No. 100, May 21, 1980) from the Office of Indian Education at the address given below.
2. Determine whether the program or activities contemplated fall under Part A, B, or C of the Indian Education Act.
3. Consult the *Federal Register* for deadlines for applications (around October) at your local public library.
4. Request the proper application form from the Office of Indian Education.
5. For Part A, perform needs assessment and consult with Indian parents, teachers, and, where appropriate, Indian secondary school students, in one or more public hearings. This may be done well in advance of completing the application form.
6. For Part B, set up a mechanism for participation by parents of the children to be served and by the tribal community in planning a community development project.
7. For Part C, set up a mechanism for participation by individuals to be served and the tribal community in planning and developing the project.
8. Begin the other procedures set forth in the Indian Education Act regulations as conditions for approval of your type of application.

Where can further information about any aspect of the Indian Education Act be obtained?

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Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202
Telephone: (202) 245-8020

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